#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MADAUS et al. Atty. Ref.: PTB-4750-34

Serial No. 10/563,857 TC/A.U.: 3771

Filed: January 9, 2006 Examiner: LaToya M. Louis

Confirmation No.: 3950

For: RESPIRATORY MASK ARRANGEMENT AS WELL AS HEADBAND ARRANGEMENT AND RESPIRATORY GAS EVACUATION DEVICE

FOR A RESPIRATORY MASK

\* \* \* \* \* \* \* \* \* \* \*

February 11, 2011

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### **INFORMATION DISCLOSURE STATEMENT**

Sir:

Listed on accompanying Form PTO/SB/08a is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
  - a. Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

    In the event a first Office Action has been mailed prior to filing of the

present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)
In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months ago prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

# b.1. Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

c. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

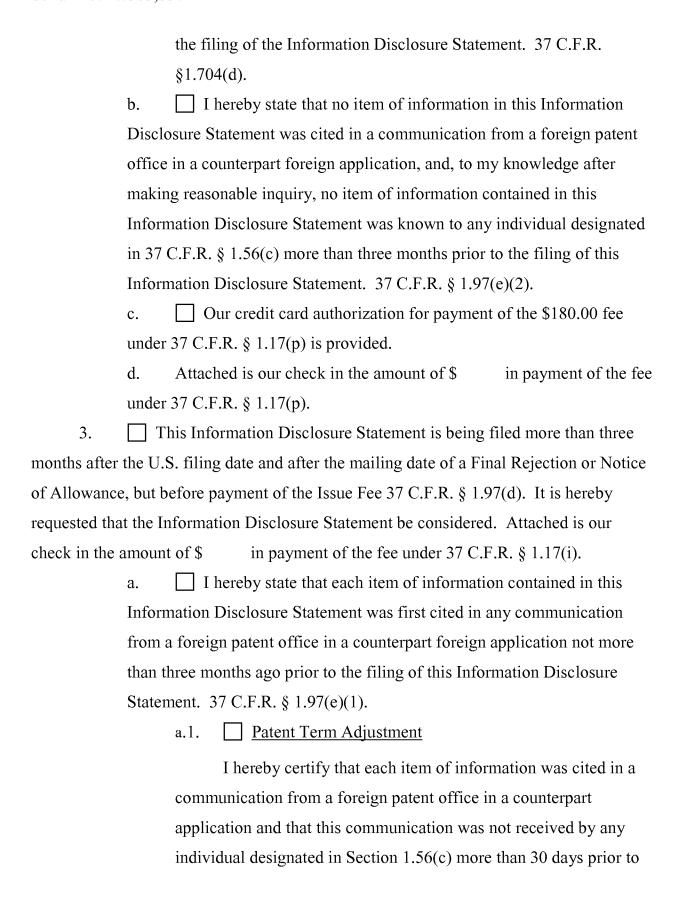
In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for

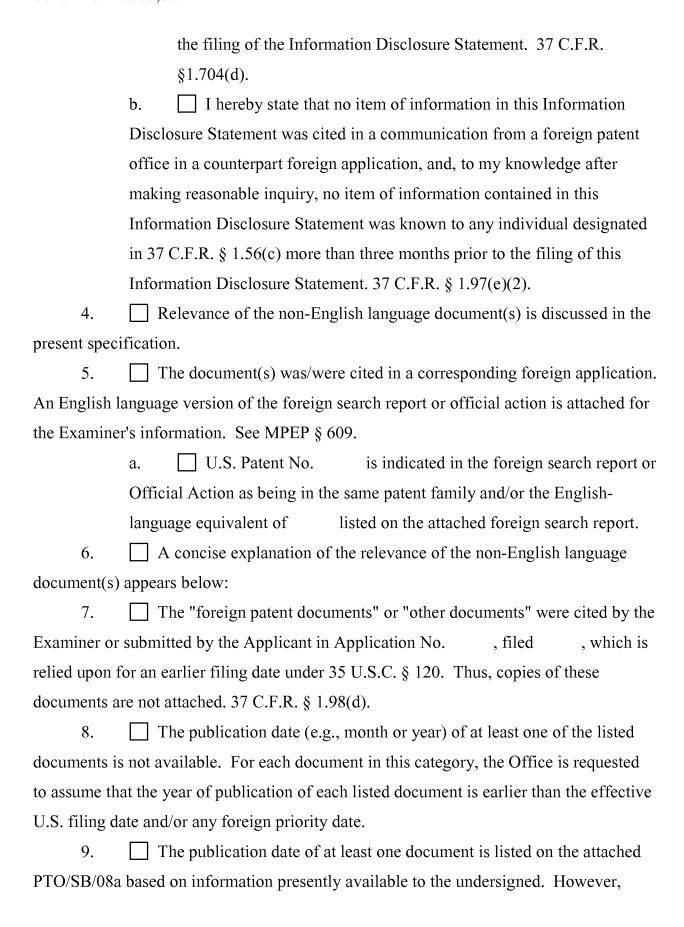
regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

# a.1. Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to





MADAUS et al. Serial No. 10/563,857

each listed publication date should not be construed as an admission that the information was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a , and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number PTB-4750-34.

Respectfully submitted,

#### **NIXON & VANDERHYE P.C.**

By: _	/Paul T. Bowen/	
	Paul T. Bowen	
	Reg. No. 38.009	

PTB:jck 901 North Glebe Road, 11th Floor Arlington, VA 22203-1808

Telephone: (703) 816-4000 Facsimile: (703) 816-4100